
IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

MATTHEW PHILLIPS,

Plaintiff,

NO. 3:16-CV-1662

vs.

HON. MALACHY MANNION

GENESIS TRUCKS INC and
CORDARELL RODGERS,

Defendants

JURY TRIAL DEMANDED

PLAINTIFF'S PRETRIAL MEMORANDUM

Date conference was held by counsel: November 13, 2017

A. A brief statement as to federal court jurisdiction. Diversity of citizenship. The Plaintiff, Matthew Phillips, is from Steelton, Pennsylvania. The Defendants Genesis Trucks, Inc. and Cordarell Rodgers, were at the time of the accident based in the State of Texas.

B. A summary statement of facts and contentions as to liability.

C. A comprehensive statement of undisputed facts as agreed to by counsel at the conference of attorneys. That on February 19, 2014 the Plaintiff, Matthew Phillips, was traveling as a passenger in a vehicle north on Interstate 81

near Pine Grove, Schuylkill County, Pennsylvania when he was rear-ended by a tractor trailer owned by Defendant Genesis Trucks, Inc. and operated by Cordarell Rodgers.

D. A brief description of damages:

- (1) Principal injuries sustained: head, neck and lower back injuries, chronic headache as well as dizziness and cognitive difficulties.
- (2) Hospitalization and convalescence: the Plaintiff, Mr. Phillips, was treated at the Community General Osteopathic Hospital in Harrisburg, Pennsylvania on the date of the accident. He required extensive follow-up treatment at Blake Chiropractic, also in Harrisburg, and at the Hershey Medical Center.
- (3) Present disability: severe low back pain and being unable to perform his previous job responsibilities which required extensive lifting.
- (4) Special monetary damages, loss of past earnings, medical expenses: there is a Workers Compensation subrogation lien of \$70,687.03.
- (5) Estimated value of pain and suffering: \$100,000.00+

(6) Special damage claims: the Workers Compensation subrogation lien of \$70,687.03.

E. . Names and addresses of witnesses, along with specialties and qualifications of experts to be called:

(1) Matthew Phillips and potentially friends and family members, including Stacy Wiggins, his father James Phillips and cousin Nathaniel Claytor.

(2) Experts to include potentially the Emergency Room Physician at Community General Osteopathic Hospital, family practice physician William Wewer, D.O., Robert Blake of Blake Chiropractic and Neuropsychologist Paul J. Eslinger of the Hershey Medical Center.

F. . Summary of testimony of each expert witness: The experts will testify consistent with their treatment records.

G. Special comment about pleadings and discovery, including depositions and exchange of medical reports: the pleadings are closed. Discovery has been exchanged. To date, Defendants have not answered Plaintiff's discovery. A deposition of the Plaintiff has occurred. Depositions of the experts are being scheduled. Plaintiff has produced all medical records and reports.

H. A summary of legal issues: it is believed liability will be admitted by Defendants. The principle legal issues are causation and damages.

I. Stipulations desired: Plaintiff requests a stipulation as to the authenticity of the medical records and bills.

J. Estimated number of trial days: two.

K. Any other matter pertinent to the case to be tried: none.

L. Pursuant to Local Rule 16.3, appended to this memorandum is a pre-numbered schedule of exhibits with a brief identification of each.

M. Append any special verdict questions: at this point Plaintiff does not request any special verdict questions other than causation and damages.

N. Defense counsel must file a statement that the person or committee with settlement authority has been notified of the requirements of possible sanctions: not applicable as to Plaintiff.

O. Certificate must be filed as required under Local Rule 30.10 that counsel have met and reviewed depositions and videotapes in an effort to eliminate irrelevancies. As of the date of the dictation of this Pretrial Memorandum, Plaintiff's counsel anticipates meeting to review the above.

P. Not applicable.

Respectfully submitted,

SMIGEL, ANDERSON & SACKS, LLP

Date: November 14, 2017

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CERTIFICATE OF SERVICE

I, Jefferson J. Shipman, Esquire, hereby certify that I have this 14th day of November, 2017 served a true and correct copy of the foregoing Plaintiff's Pretrial Memorandum via electronic mail upon the following individual:

E. Patrick Heffron, Esquire
125 North Washington Avenue
The Connell Building, Suite 240
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SMIGEL, ANDERSON & SACKS, LLP

By: s/ Jefferson J. Shipman

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